IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEAH ZATUCHNI,)	
By her legal guardian,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	No. 07-cv-4600
ESTELLE RICHMAN,)	
Secretary Pennsylvania Department of Public)	
Welfare, in her official capacity, et al.,)	
Defendants.)	

ORDER

AND NOW, this 30th day of June 2009, upon consideration of the Motion of Defendant, Melmark, Inc., to Dismiss Plaintiff's Complaint, Pursuant to F.R.C.P. 12(b)(6) [Document No. 38], Plaintiff's Response [Document Nos. 42 & 43], Defendant Melmark's Reply [Document No. 45], Plaintiff's Sur-reply [Document No. 48] and the parties' Supplemental Filings ordered by the Court [Document Nos. 85, 90 & 95], it is hereby **ORDERED** that Defendant Melmark's Motion is **DENIED**.

It is so **ORDERED**.

BY THE COURT:
/s/ Cynthia M. Rufe
CYNTHIA M. RUFE, J.